

EXHIBIT "B"

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

ZAKIYYAH AL-BADEE,)	
)	CIVIL ACTION FILE NO.:
Plaintiff,)	
)	21A-02603
vs.)	
)	
GOLDEN CORRAL CORPORATION,)	
)	
Defendant.)	

NOTICE OF FILING NOTICE OF REMOVAL

TO: CLERK, STATE COURT OF DEKALB COUNTY

In compliance with 28 U.S.C. § 1446(d), you are hereby notified of the filing of a Notice of Removal in this action with the United States District Court for the Northern District of Georgia, Atlanta Division, a copy of which is attached hereto and by reference made a part hereof.

Respectfully submitted this 22nd day of June, 2021.

**Cruser, Mitchell, Novitz, Sanchez,
Gaston & Zimet, LLP**

/s/ William T. Mitchell

William T. Mitchell

Georgia Bar No. 513810

Email: bmitchell@cmlawfirm.com

Direct Dial: 404-881-2633

/s/ John D. Rogers, Jr.

John D. Rogers, Jr.

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[signatures continue on next page]

/s/ Marisa M. Beller

Marisa M. Beller

Georgia Bar No. 845893

Email: mbeller@cmlawfirm.com

Direct Dial: 678-684-4157

*(Attorneys for Defendant
Golden Corral Corporation)*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day electronically filed the ***NOTICE OF FILING*** ***NOTICE OF REMOVAL*** with the Clerk of Court via the Odyssey file and serve system, and that I have served a copy of same to counsel of record, via certified mail, with adequate postage, addressed as follows:

Rita Tucker Williams
Ledia L. Regis
WILLIAMS & ASSOCIATES LAW FIRM, P.C.
220 Church St.
Decatur, GA 30030
rtwilliams@williamsandassoc.com
lregis@williamsandassoc.com

(Attorneys for Plaintiff)

Via Certified Mail No.
9171 9690 0935 0232 0238 05

This 22nd day of June, 2021.

**Cruser, Mitchell, Novitz, Sanchez,
Gaston & Zimet, LLP**

/s/ John D. Rogers, Jr.

John D. Rogers, Jr.
Georgia Bar No. 612745

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ZAKIYYAH AL-BADEE,)	
)	CIVIL ACTION FILE NO.:
Plaintiff,)	
)	_____
vs.)	
)	
GOLDEN CORRAL CORPORATION,)	
)	Jury Trial Demanded
Defendant.)	

NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT

COMES NOW, GOLDEN CORRAL CORPORATION, sole defendant (hereinafter “Defendant” in the above-styled civil action, appearing specially and without waiving any defenses related to venue, service, process and jurisdiction, hereby files this Notice of Removal pursuant to Fed. R. Civ. P. 81(c) and 28 U.S.C. §§ 1332(a), 1441(b) and 1446, respectfully showing the Court as follows:

FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff ZAKIYYAH AL-BADEE has filed a civil action against Defendant GOLDEN CORRAL CORPORATION in the State Court of DeKalb County, Georgia, Civil Action File No. 21A02603. The State Court of DeKalb County, Georgia is located within the Atlanta Division of the United States District Court for the Northern District of Georgia.

1.

In her Complaint, Plaintiff alleges the following: (1) that she suffered injury as a result of a June 4, 2019, premises accident in DeKalb County, Georgia, (2) involving a restaurant and employees purportedly owned/employed by Defendant Golden Corral Corporation, and (3) her claimed special damages exceed \$100,000.00.

2

Defendant Golden Corral Corporation was served with a copy of the Summons and Complaint on May 28, 2021.

3.

This Notice of Removal is therefore timely filed within thirty (30) days of service of process pursuant to 28 U.S.C. § 1446(b).

4.

Defendant Golden Corral Corporation, the sole Defendant in this action consents, through Counsel, to the removal of this action from the State Court of DeKalb County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division.

BASIS FOR REMOVAL

5.

Defendant incorporates by reference as if fully set forth herein the preceding paragraphs 1 through 4 of Defendant's Notice of Removal.

6.

Plaintiff Zakiyyah Al-Badee is and was at all relevant times a resident of Georgia (Plaintiff's Complaint, Paragraph 1).

7.

Defendant Golden Corral Corporation is a North Carolina for profit corporation. Its principal place of business is located within Raleigh, North Carolina (Plaintiff's Complaint, Paragraph 2).

8.

Complete diversity of citizenship existed between Plaintiff and Defendant at the time Plaintiff commenced the State Court action and there remains complete diversity of citizenship between Plaintiff and Defendants.

9.

Upon information and belief, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Specifically, Plaintiff alleges current medical special damages of \$23,589.40; estimated future treatment in the amount of \$100,000.00; and Past, Present, and Future Pain and Suffering in the amount of

\$100,000.00. Defendant understands Plaintiff alleges to have undergone multi-level lumbar disc procedures as a result of the incident at issue in this matter.

Accordingly, this Court has original diversity jurisdiction over this matter under 28 U.S.C. § 1332(a) and removal is proper under 28 U.S.C. § 1441(a).

CONCLUSION

10.

Defendant incorporates by reference as if fully set forth herein the preceding paragraphs 1 through 9 of Defendant's Notice of Removal.

11.

This is a civil action over which this Court has original federal jurisdiction and is one which may be removed to this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds the jurisdictional requirement of \$75,000.00.

12.

As required by 28 U.S.C. § 1446(a), the entire record in the state court action, including copies of all process, pleadings and orders filed as of this date, and a copy of the court's docket sheet, are attached to and filed contemporaneously with this Notice of Removal as Exhibit "A".

13.

Venue is proper for removal to this district pursuant to 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action had been pending.

14.

Defendant will promptly file the Notice of Filing Notice of Removal with the Clerk of the State Court of DeKalb County, Georgia in the State Court action as required by 28 U.S.C. § 1446(d), a copy of which is attached as Exhibit “B”.

15.

Golden Corral Corporation will promptly serve a copy of this Notice of Removal on all adverse parties and file a copy in the State Court Action in the State Court of DeKalb County, Georgia.

16.

Defendant reserves the right to amend or supplement this Notice of Removal in accordance with the Federal Rules of Civil Procedure, other applicable law and any scheduling order of this Court.

17.

Defendant reserves all defenses to the underlying action.

18.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information and belief, formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law, and it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, Defendant Golden Corral Corporation, respectfully requests that this action, now pending in the State Court of DeKalb County, Georgia, be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 22nd day of June, 2021.

**Cruser, Mitchell, Novitz, Sanchez,
Gaston & Zimet, LLP**

/s/ William T. Mitchell

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/s/ Marisa M. Beller

Marisa M. Beller

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Email: mbeller@cmlawfirm.com

Direct Dial: 678-684-4157

*(Attorneys for Defendant
Golden Corral Corporation)*

CERTIFICATE OF COMPLIANCE WITH L.R. 7.1

The undersigned attests that this document was prepared in Times New Roman, 14-point font that complies with this Court's Rules.

This 22nd day of June, 2021.

**Cruser, Mitchell, Novitz, Sanchez,
Gaston & Zimet, LLP**

/s/ John D. Rogers, Jr.

John D. Rogers, Jr.

Georgia Bar No. 612745

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day I have electronically filed the foregoing **NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT** with the Clerk of Court using the CM/ECF system and have served a copy of the within and foregoing pleading to all parties to this matter via Certified Mail, Return Receipt Requested, with proper postage prepaid, addressed as follows:

Rita Tucker Williams
Ledia L. Regis
WILLIAMS & ASSOCIATES LAW FIRM, P.C.
220 Church St.
Decatur, GA 30030
rtwilliams@williamsandassoc.com
lregis@williamsandassoc.com

(Attorneys for Plaintiff)

**Via Certified Mail No.
9171 9690 0935 0232 0238 05**

This 22nd day of June, 2020.

**Cruser, Mitchell, Novitz, Sanchez,
Gaston & Zimet, LLP**

/s/ John D. Rogers, Jr.

John D. Rogers, Jr
Georgia Bar No. 612745